

Application No: 10/779,963

REMARKS

Claims 1-20 are pending. By this Amendment, no claims are canceled, claims 1, 9 and 11 are amended, and new claims 21-30 are added.

Claim Objections

Claims 1-20 were objected to because of certain informalities. The Examiner indicated that the claims are incomplete citing MPEP § 2172.01. The Examiner indicated that it was unclear what is being superimposed by the superimposing unit and that the generated image seems to be superimposed on the object by the focusing lens not by the superimposing unit. Applicant respectfully submits that reference to the specification makes it clear that the superimposing unit superimposes the generated image on the object in that it lays the generated image on top of or adjacent the object so that the generated image is visible to the viewer simultaneously with the object. The generated image may or may not be in focus while it is visible to the viewer along with the object. The variable focusing unit serves to make the plane of the generated image coincide with the plane of the object so that the viewer sees both the object and the generated image in clear focus. Applicant respectfully submits that claims 1-20 as now amended are clear when read in light of the specification and requests that the Examiner withdraw the objection.

The Examiner objected to claim 9 as being indefinite for lack of antecedent basis for the term "the measurement module. Applicant has amended claim 9 to provide antecedent basis. Applicant respectfully requests that the Examiner withdraw the objection.

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Claim Rejection under 35 U.S.C. § 103

Claims 1-9 and 11-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ferguson (U.S. Pat. No. 6,379,009) in view of Piosenka, et al. (U.S. Pat. No. 5,359,444).

Claims 1, 4-7, 10, 11, 14-17 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ferguson in view of Baba, et al. (U.S. Pat. No. 4,802,746).

Applicant has amended claims 1 and 11 to recite the limitations "the superimposing unit comprising a first beam splitter and a second beam splitter and lacking a retroreflector that receives light that is transmitted through the first or second beam splitter and reflects it back to the first or second beam splitter through which it was transmitted." Neither the Ferguson, Piosenka nor the Baba reference discloses or suggest this limitation in combination with the other limitations recited in claims 1 and 11. The result of this arrangement is that the invention as now claimed has fewer optical elements than the prior art and may be smaller and lighter than the cited prior art devices. Applicant respectfully requests that the Examiner withdraw the rejection.

New Claims

Applicant has added new claims 21-30. Claim 21 recites the limitations "the superimposing unit comprising a first beam splitter and a second beam splitter; receiving light from the object at an autofocus sensor along a first beam path passing through the first beam splitter; receiving light from the object at the viewer's eye along a second independent beam path substantially adjacent the first beam path, passing through the second beam splitter" along with other limitations previously found in claim 11. These limitations are not taught or suggested by

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any prior art reference of record in the application. Therefore, new claim 21 should be patentable. New Claims 22-30 depend directly or indirectly from claim 21 and should be patentable for the same reasons as indicated above for claim 21.

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CONCLUSION

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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